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SEP 22 1998

CONCORD, N.H.

Mr. Thomas E. Thompson  
Assistant Commissioner  
Welfare Department  
State House Annex

Dear Mr. Thompson:

This is in response to your memorandum of December 30th, requesting our opinion as to whether the Department may enter into a five-year lease for quarters to be used as a district office.

There is nothing intrinsically wrong with the five-year lease.

The only difficulty is that any obligation incurred which would bind the State must be related to an appropriation. The Department cannot bind the State beyond the present biennium. This however will not invalidate the lease if a provision is inserted permitting termination by the State in the event that no appropriation is made by the Legislature in ensuing sessions. I understand that your present leases contain such a condition permitting termination by the State on written notice.

It would appear that leasing quarters is an acquisition of real estate on behalf of the State and the lease should be executed by the Governor with the advice and consent of the Council. (RSA 4:29).

Very truly yours,

Elmer T. Bourque  
Assistant Attorney General

ETB/T